

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

TIMOTHY J DOYLE
A/K/A TIMOTHY DOYLE

tmd3574/mrm
October 4, 2012
2:00 PM

Case No. 808-71579-AST

Hon. ALAN S. TRUST

NOTICE OF MOTION

Debtor.

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PLEASE TAKE NOTICE, that upon the within application, Marianne DeRosa, Chapter 13 Trustee will move this court before the Hon. Alan S. Trust, U.S. Bankruptcy Judge, at the United States Bankruptcy Court, at L.I. FEDERAL COURTHOUSE 290 FEDERAL PLAZA, ROOM 970 CENTRAL ISLIP, NY 11722, on the 4th day of October, 2012 at 2:00 PM, or as soon thereafter as counsel can be heard, for an order pursuant to 11 U.S.C. 1307(c)(6) dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Responsive papers shall be filed with the bankruptcy court and served upon the Chapter 13 Trustee, Marianne DeRosa, Esq., no later than seven (7) business days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Civil Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

Date: Syosset, New York
September 14, 2012

/s/ Marianne DeRosa
MARIANNE DeROSA, TRUSTEE
115 EILEEN WAY; SUITE 105
SYOSSET, NY 11791
(516) 622-1340

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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Case No: 808-71579-AST

TIMOTHY J DOYLE
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Hon. ALAN S. TRUST

APPLICATION

Debtor.
=====X

TO THE HONORABLE ALAN S. TRUST U.S. BANKRUPTCY JUDGE:

MARIANNE DEROSA, Chapter 13 Trustee in the above-captioned estate, respectfully represents the following:

1. The Debtor commenced this Chapter 13 case by filing a voluntary petition on April 2, 2008.
2. The current monthly plan payment amount is \$350.00. The total amount due under the plan, through and including August, 2012 is \$23,135.00. To date, the Trustee has received \$21,816.00. Therefore, the Debtor has defaulted under the terms of the plan and is \$1,319.00 in arrears to the Trustee, inclusive of the Debtors' 2011 income tax refund.
3. No prior application seeking the relief requested herein has been filed by the Chapter 13 Trustee.
4. The foregoing represents a material default by the Debtor with respect to the terms of the confirmed plan and constitutes cause to dismiss this Chapter 13 case within the meaning of 11 U.S.C. Section 1307(c)(6).

WHEREFORE, the Chapter 13 Trustee respectfully requests that this Court enter an order dismissing this Chapter 13 case and such other and further relief as may seem just and proper.

Date: Syosset, New York
September 14, 2012

/s/Marianne DeRosa
MARIANNE DEROSA, TRUSTEE

PAYMENT ADDRESS ONLY:
MARIANNE DeROSA, TRUSTEE
PO BOX 2178
MEMPHIS, TN 38101-2178

UNITED STATES BANKRUPTCY COURT
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-----X Case No: 808-71579-AST
IN RE:

TIMOTHY J DOYLE
A/K/A TIMOTHY DOYLE

CERTIFICATE OF SERVICE
BY MAIL

Debtor.

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This is to certify that I, Matthew R. Matz, have this day served a true, accurate and correct copy of the within Notice of Motion and Application by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

TIMOTHY J DOYLE
32 GARDEN BOULEVARD
HICKSVILLE, NY 11801

VINCENT M LENTINI, ESQ.
600 OLD COUNTRY ROAD-STE 202
GARDEN CITY, NY 11530

RECOVERY MANAGEMENT SYSTEMS CORP
25 SE 2ND AVENUE, SUITE 1120
MIAMI, FL 33131

JP MORGAN CHASE BANK, NA
PO BOX 201347
ARLINGTON, TX 76006

This September 14, 2012

/s/Matthew R. Matz
Matthew R. Matz, Paralegal
Office of the Standing Chapter 13 Trustee
Marianne DeRosa, Esq.
115 Eileen Way; Suite 105
Syosset, NY 11791
(516) 622-1340

CASE NO: 808-71579-AST
Hon. ALAN S. TRUST

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

TIMOTHY J DOYLE
A/K/A TIMOTHY DOYLE

Debtor.

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NOTICE OF MOTION AND APPLICATION TO DISMISS CASE

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MARIANNE DeROSA, TRUSTEE
115 EILEEN WAY; SUITE 105
SYOSSET, NY 11791
(516) 622-1340